
IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF WYOMING

DESERT INN LLC,

Plaintiff,

v.

CINCINNATI SPECIALTY
UNDERWRITERS INSURANCE
COMPANY,

Defendant.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

Civil Case No. 1:24-cv-230

Defendant The Cincinnati Specialty Underwriters Insurance Company (herein, “CSU”) by and through counsel of record, and pursuant to 28 U.S.C. §1331, 1441 and 1446, hereby files this Notice of Removal of this civil action from the Ninth Judicial District Court for the State of Wyoming, Fremont County, in which it is now pending, to the United States District Court for the District of Wyoming.

In support of this Notice of Removal, Defendant respectfully states the following:

1. On October 14, 2024, Plaintiff Desert Inn, LLC (herein, “Plaintiff”) filed a Complaint against Defendant before the Ninth Judicial District Court, State of Wyoming, Fremont County, Civil Case No. 2024-CV-0043964, attached hereto as “Exhibit A.”

2. Plaintiff’s Complaint, Summons (to issue), Order Requiring Courtesy Copies to Judge, and Notice of Assignment are the only documents received in this action to date.

3. A copy of the underlying case docket to date, along with the Summons (to issue), Order Requiring Courtesy Copies to Judge, and Notice of Assignment, are attached hereto as “Exhibit B”.

4. On or about October 18, 2024, Plaintiff served its Complaint on Defendant. A copy of the service document is attached hereto as “Exhibit C”.

5. In their Complaint, Plaintiff alleges two causes of action: (1) Fraud/Intentional Misrepresentation; and (2) Breach of Contract.

6. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district or division embracing the place where such action is pending.”

7. Pursuant to 28 U.S.C. § 1332(a), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States... .”

8. Plaintiff Desert Inn, LLC is a limited liability company operating and doing business in Shoshoni, Fremont County, Wyoming. (Compl. ¶ 1)

9. For the purpose of determining diversity, a corporation is deemed to be a citizen of both the state of its incorporation and the place where it maintains its principal place of business. 28 U.S.C. § 1332(c)(1).

10. Defendant The Cincinnati Specialty Underwriters Insurance Company is incorporated and existing under the laws of the State of Ohio, with its principal place of business in Fairfield, Butler County, Ohio.

11. Plaintiff and Defendant are citizens of different states.

12. The matter in controversy exceeds \$75,000.00. (Compl. ¶ 16)

13. In accordance with 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed within thirty (30) days of Plaintiff's service of a copy of the Complaint.

14. Defendant provides written notice of the filing of this Notice of Removal to the clerk of the Ninth Judicial District Court, Fremont County, State of Wyoming, promptly and contemporaneously to this filing. 28 U.S.C. § 1446(d).

15. Defendant has provided written notice to Plaintiff by contemporaneously serving its counsel with this Notice of Removal.

16. A Civil Cover Sheet is provided herewith.

17. Defendant will pay and tender the necessary filing fees with this Notice of Removal to the court clerk.

18. By filing this Notice of Removal, Defendant does not waive any defense that may be available.

WHEREFORE, for the reasons stated above, this action is removable to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 under this Court's diversity jurisdiction.

Dated this 18th day of November, 2024.

LITCHFIELD CAVO LLP

/s/ Vincent J. Velardo

VINCENT J. VELARDO (Bar No. 8-6826)

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached **NOTICE OF REMOVAL TO FEDERAL COURT** was served upon the parties listed below via the Court's CM/ECF filing notification system and/or electronic mail on the 18th day of November, 2024.

Counsel for Plaintiff

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/s/ Shari H. Akers